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COMMITTEE ON THE RIGHTS OF THE CHILD

Sixteenth session

SUMMARY RECORD OF THE 400th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 23 September 1997, at 10 a.m.

Chairperson: Miss MASON

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CONSIDERATION OF REPORTS OF STATES PARTIES

Initial report of the Lao People's Democratic Republic

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.97-18301 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (item 4 of the agenda)

Initial report of the Lao People's Democratic Republic (CRC/C/8/Add.32; CRC/C/Q/LAO/1 (list of issues to be taken up); written replies from the Lao Government to questions raised in the list of issues (document without a symbol distributed at the meeting))

1. At the invitation of the Chairperson, Mr. Lengsavad, Mrs. Vongsak, Mr. Kietisack, Mrs. Phommachanh and Mr. Phrakonkham (Lao People's Democratic Republic) took places at the Committee table.

2. The CHAIRPERSON welcomed the Lao delegation. She expressed appreciation of the fact that it was composed of very high-level representatives and invited it to present the report of the Lao People's Democratic Republic (CRC/C/8/Add.32).

3. Mr. LENGSAVAD (Lao People's Democratic Republic) said that the Lao People's Democratic Republic, one of the least developed countries, was doing its utmost to implement its socio-economic development programme and, within that framework, the Government was pursuing a policy designed to safeguard the rights and interests of children. At the international level, the Lao People's Democratic Republic had signed the Declaration and Plan of Action adopted at the close of the World Summit for Children in 1990, and had become a party to the Convention on the Rights of the Child in 1991. In order to take the appropriate steps on behalf of children, the Government had set up the National Commission for Mothers and Children in 1992 and reorganized it in 1996. Thanks to the support of the Government and the United Nations Save the Children Fund, the Commission had already scored some considerable successes. The most noteworthy achievements had been in the spheres of vaccination, health care, basic education and improving the situation of women. Nevertheless, many difficulties and obstacles still lay ahead and the Government realized that it had to step up its efforts to improve the living conditions of women and children.

4. The Lao Government was grateful to its allies and the international organizations which were giving it valuable assistance in the field of mother and child welfare. He was glad that on 20 September 1997, the Executive Board of UNICEF had unanimously adopted a programme of cooperation between the Lao People's Democratic Republic and UNICEF for the 1998-2002 period. Lastly, he thanked the Committee for its action and in particular he thanked the Chairperson for her visit to the Lao People's Democratic Republic in 1996. The Lao delegation would do its utmost to ensure a fruitful dialogue with the Committee when the initial report was examined.

5. The CHAIRPERSON invited the members of the Committee to put their questions on general measures of implementation (arts. 4, 42 and 44 (6) of the Convention) (questions 1 to 9 of the list of issues) (CRC/C/Q/LAO/1).

6. Mrs. KARP thanked the head of the Lao delegation for his statement. She wished the written report had contained more precise information and statistics on children's living conditions and on the legislative measures

taken to protect their rights. Nevertheless, she was pleased that the report had been frank and that the Lao Government had the political will to improve the situation of children. In that connection, she asked how the Lao Government financed the action plans and programmes referred to in the report and pointed out that the implementation of article 4 of the Convention presupposed the adoption of the appropriate budgetary measures to give effect to the rights recognized in the Convention. In addition, she wished to know how many children under 18 there were in the Lao People's Democratic Republic and what the literacy rate was.

7. She also wanted to know more about the operating methods and activities, at the central and local levels, of the National Commission for Mothers and Children. Could children lodge complaints with an independent body, like an ombudsman? Why did the National Commission not include representatives of the Ministries of Justice and the Interior, those being the departments competent for the status of the child? She noted that most of the laws pertaining to children had been adopted in 1990, that was to say one year before the Lao People's Democratic Republic had become a party to the Convention. Did the Lao Government intend to review the legislation in force in order to bring it into line with the principles and provisions of the Convention? Lastly, in what fields covered by the Convention were technical assistance needs greatest?

8. Mrs. OUEDRAOGO said she was pleased to note the efforts being made by the Lao Government, despite its limited resources, to provide the requisite facilities enabling children to develop their full physical and mental potential. She particularly welcomed the socio-economic development plan running until the year 2000, the introduction of legal, administrative and institutional frames of reference such as the Constitution, the Family Law, the Labour Law etc. and the drafting of a national programme of action for children.

9. The translation of the Convention into Lao and its circulation were laudable, but not enough appeared to have been done to gain the general population's active support for its implementation. The Lao Government ought to take the necessary steps to heighten the population's awareness of the Convention, in pursuance of article 42 thereof and to secure the community's participation.

10. Noting that the National Commission for Mothers and Children was the main governmental body responsible for the protection and welfare of children, she questioned the advisability of lumping mothers and children together, because that made them look like extremely vulnerable and therefore marginal members of society. While the rights of women and children were interrelated, it would definitely be preferable to have a separate national commission for children, which could target children's problems more accurately and find the right solutions to them.

11. She welcomed the ratification by the Lao Government of the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination and she urged it to consider acceding to the International Covenant on Economic, Social and Cultural Rights (which had a close bearing on

children's rights) and to other international instruments. She regretted that the Lao Government had not strictly followed the Committee's instructions regarding the layout of reports in presenting its initial report. For example, why were the general and some specific principles of the Convention not dealt with in the report and why were certain notions such as the best interests of the child not mentioned? It would be helpful to know whether such principles and concepts were taken into consideration in family, school and social life and whether they were reflected in the Constitution or any other legislation. Similar shortcomings existed with regard to the concepts of non-discrimination, the right to life and respect for the child's opinion. A single document encompassing all the laws relating to children and the Convention's provisions would be desirable. She also wondered why the Minister for Foreign Affairs, rather than a specialized minister, chaired the National Commission for Mothers and Children. Lastly, she asked how many languages were spoken in the country and why the Convention had been translated only into Lao. How did population groups which spoke a language other than Lao become conversant with the Convention?

12. Mrs. PALME said she was pleased that the Lao People's Democratic Republic was cooperating with international bodies like the United Nations Save the Children's Fund and non-governmental organizations. She hoped that national associations and bodies would likewise contribute actively to the implementation of the Convention, in accordance with articles 2 and 44 (6). To that end, the Convention should be translated into the languages of the various population groups, even if that was expensive and all sectors of the population should be familiarized with the Convention and the report submitted to the Committee. Referring to the National Commission for Mothers and Children, she, too, thought that it would be wise to separate the protection of mothers from that of children.

13. Mr. RABAH inquired whether the economic recession in the Lao People's Democratic Republic was hampering the provision of social benefits to which children were entitled. Noting that the Government had stated in its written replies that the National Commission for Mothers and Children had been reactivated in 1996, he requested information about the previous situation as well as that body's plans for the future. He also asked whether any national laws conflicted with articles of the Convention. He wished to know if the children from minority population groups were discriminated against in any way and why there were no juvenile courts. Lastly, he asked for details about the special cases in which the minimum age for marriage could be lowered from 18 to 15 years and about the circumstances in which it was possible to change a child's name.

14. Mr. KOLOSOV said that the Lao Government ought to be commended for its signature of the Convention, notwithstanding the difficulties it might be encountering in its application. He considered that those difficulties had been chiefly caused by financial problems, on the one hand and a lack of understanding of the provisions of the Convention at various levels, on the other. With regard to the first cause, he wondered if the requisite steps had been taken to optimize the use of available resources and to ensure that, in accordance with article 4 of the Convention, all the appropriate measures had been undertaken, to the extent permitted by available resources, to guarantee children's enjoyment of their economic, social and cultural rights. As for

the second cause, he asked for details about the measures taken to make judges, teachers, the general public and, above all, children more alive to the provisions of the Convention. For that purpose, it might be advisable to supply the Lao Government with technical and financial assistance in order to have the numerous works interpreting the Convention translated into local languages.

The meeting was suspended at 10.55 a.m. and resumed at 11.10 a.m.

15. Mr. LENGSAVAD (Lao People's Democratic Republic) first stated that his country was still consolidating its legal system. It needed all the help it could obtain to do so. He assured the Committee that even if no specific legislation yet existed to protect children, their interests were duly taken into account in all fields of law.

16. He regretted that he was unable to supply a precise breakdown of resources. Appropriations were allocated to a number of programmes in the spheres of pre-school education, nursery schooling and immunization. He stressed the importance of the help given by UNICEF and of bilateral aid, in view of his country's economic predicament. He said that the main purpose behind the decision in 1996 to reorganize the National Commission for Mothers and Children had been to improve coordination between the various components including ministries, the Women's Union and village committees. The reports of the National Commission's quarterly meetings were distributed to all concerned.

17. He said that the Convention had been translated into Lao with UNICEF's assistance and that it had been circulated among all the ethnic groups of the population, most of whom understood the official language. The main trouble was people's poor level of education. Priority had therefore been given to spreading the message of the Convention at events organized around vaccination campaigns, for example. As far as the age of marriage was concerned, he said that children from certain ethnic groups traditionally married young, sometimes at the age of 12. The Government was doing all it could to discourage such practices.

18. Mr. KIETISACK (Lao People's Democratic Republic) returning to the questions about the legal system, acknowledged that penal law provisions regarding children did not meet the Convention's requirements. To overcome those shortcomings, courts tried to apply the law with circumspection. For example, offenders between 15 and 18 years of age were not normally arrested unless they had committed a serious crime. If they were prosecuted, the penalties imposed on them were lighter than those applying to adults. Law and order was further safeguarded by the Family Law which gave parents educational duties. Even so, the courts realized that the lack of juvenile courts and special laws protecting children was a major defect which would have to be corrected.

19. Mr. LENGSAVAD (Lao People's Democratic Republic) said that compulsory schooling had been extended to the age of 10 and, as a result, school attendance had risen from 54 to 74 per cent between 1990 and 1995, while the literacy rate had gone up from 60 to 64 per cent over the same period. The Government was also trying hard to set up vocational training centres in the

capital and the provinces. Forty-eight informal education centres were already in operation in the country. Referring to international cooperation, he said that his country greatly needed the assistance and support of the international community, above all in order to train lawyers and specialists in the law regarding children.

20. The CHAIRPERSON wondered whether, in view of the social and economic plight of the country, the university which had just been founded would include a department for training welfare workers who could further the application of the Convention's provisions on the rights of the child. She also asked whether the Government intended to call on the services of international NGOs which had had lengthy experience in the field of children's rights. Lastly, what steps had been taken by the Lao Government to introduce a programme of training in human rights in general and the rights of the child in particular, in schools and civil society, during the United Nations Decade for Human Rights Education?

21. Mr. LENGSAVAD (Lao People's Democratic Republic) said that the national university had an Institute of Education, where schoolteachers and kindergarten staff were trained and the Ministry of Education was contemplating the inclusion in school curricula of basic instruction in the rights of the child. In the NGO sector, youth associations, women's associations and voluntary organizations were endeavouring to awaken the population's interest and to help the Government in the field of outreach activities. Their messages were spread by the media (radio, television and newspapers) and by local organizations. In the Lao People's Democratic Republic welfare workers were not trained at university but by the Ministry of Labour and Social Welfare, which was responsible for child welfare throughout the country and which had set up a centre for handicapped children and orphans.

22. Mrs. OUEDRAOGO urged the Lao Government to introduce a public awareness programme aimed at changing society's behaviour towards women. Furthermore, she asked whether a father's responsibility for his children was merely financial and whether compulsory schooling was not difficult to put into practice owing to some of the country's traditions. In that connection had measures been adopted to prevent girls from being enslaved by duties in the home? Generally speaking, she thought that it would be for the country to introduce a national programme for women, as part of its follow-up to the Beijing Platform for Action.

23. Mr. RABAH asked the Lao delegation whether national legal provisions conflicted with those of the Convention on the Rights of the Child.

24. Mrs. KARP requested details about the budget of the National Commission for Mothers and Children, the resources allocated to education and availability of economic assistance for needy families. She called on the Government to gather specific statistical data which would make it possible to assess children's problems and take the necessary steps to solve them. In her opinion, it would be useful to launch campaigns to inform the general public and heighten its awareness of the new concept of the child as a person with rights.

25. Mr. LENGSAVAD (Lao People's Democratic Republic) said that the National Commission for Mothers and Children had a budget, but that the Government had no plans to earmark particular funds for children under the headings of education, culture, information or public health. He admitted that his country lacked experience in the matter. The National Statistical Office collected data on children (especially on their health) and officials had been trained to evaluate and plan various activities on behalf of children. The Lao Government was also striving to protect children by circulating new ideas and knowledge in the remote areas of the country, and cooperation had been instituted with foreign companies to use satellite broadcasts on radio and television frequencies which could be received throughout the country.

26. In reply to Mr. Rabah, he said that national laws could not conflict with the Convention on the Rights of the Child because there was no special law on the rights of children in the country. There were, however, plans to set up juvenile courts and the Government intended to train lawyers for that purpose.

27. The CHAIRPERSON invited the members of the Committee to put their questions concerning the definition of the child and general principles (questions 10 to 18 of the list of issues).

28. Mrs. KARP, noting the long gap between the end of compulsory schooling at 10 and the age at which a child was authorized to work (15), asked what happened to children in the meanwhile, if there were any problems and, if so, how they were solved. She observed that the age at which a child could testify in a court was 16, which seemed to run counter to the new ideas set forth in the Convention. Could children under 16 testify and, more to the point, file complaints, especially if their interests conflicted with those of their parents? What was the effective age of consent to adoption because, under article 38 of the Family Law it was 18, whereas the report stated that such consent was required as from age 10? Had any other age limits been set for the consent of the child to other family matters, especially custody? How could children exercise their rights under the Convention, especially when their interests conflicted with those of their parents?

29. She remarked that the four general principles embodied in the Convention were not expressly set forth in any legislative text relating to children, but that that did not apply solely to the Lao People's Democratic Republic. Such a process required a change in attitude and therefore an education drive. According to the Convention, a child had to be regarded as a human being with rights and it would be useful to know, in that respect, whether children's consent was required to various kinds of administrative or judicial decisions concerning them or if there was some process whereby children could express their views, gain an understanding of the issues involved and form an opinion. Once again, an effort to train judges, public prosecutors and teachers would be necessary in order to institute a dialogue with the child. As there was still a great deal to be done in that field, she asked if the Government intended to take on board the novel idea of children's participation.

30. Mrs. OUEDRAOGO inquired about the status of the Convention in the Lao People's Democratic Republic, what reception it had been given by the population despite its restricted circulation, what the first reactions had

been to it and what difficulties had been encountered in securing its acceptance. She also wished to know how children had received the instrument embodying their own rights and how they were asserting those rights.

31. She asked whether young people who married between the ages of 15 and 18 were regarded as adults or minors and what steps the Government was taking to prevent early marriages. To what extent had Decree 52 of the Prime Minister been implemented, especially in respect of free care for schoolchildren, students and the very poor? What programme was the project based on and how was it financed? She was also concerned about discriminatory practices at several levels of society, viz. between men and women, ethnic groups and the rich and the poor. To what extent were legislative provisions aimed at combating such discrimination enforceable and ought not an attempt be made to heighten the awareness of the population or even to promote a change in attitude so as to eliminate various forms of discrimination? Lastly, she asked the Lao delegation how it defined the best interests of the child, the right of the child to express its personal opinion in the family and in society and the participation of the child, as those were points which had not been dealt with in sufficient depth in the report.

32. Mr. KOLOSOV was surprised that, apparently, in the Lao People's Democratic Republic the age of majority had not been determined by the Constitution or the Civil Code but, according to paragraph 43 of the report, by the Penal Code. Was that really the case? Paragraph 45 of the report said that under article 9 the minimum age for marriage was 18, but failed to indicate the text in question. Could some clarification be provided?

33. He considered that when it came to implementing the general principles set forth in the Convention, the opinion of children should be sought and their best interests taken into consideration, at least in all official procedures concerning them. It was therefore essential that the members or representatives of the Ministry of Justice or Ministry of the Interior should know about those principles and be involved in taking decisions aimed at securing respect for them. He therefore asked if representatives of the Ministry of Justice or Ministry of the Interior sat on the National Commission for the Protection of Mothers and Children and, if so, what their exact duties were.

34. Mr. KIETISACK (Lao People's Democratic Republic) said that the Civil Code established the age of majority at 18, but that a young person was criminally responsible as from the age of 15. The parents or guardians of the child were responsible in the case of under-15s. The Family Law set the minimum age of marriage at 18. Some exceptions were, however, made for 15 to 18-year olds, if they were living together, or in the event of pregnancy. The law prohibited the marriage of minors of under 15, yet in some ethnic groups, marriage was traditionally authorized as from the age of 12. Since the law had no deterrent effect, an attempt was being made to educate rather than punish, and such marriages were recognized de facto.

35. As in other countries, in the Lao People's Democratic Republic a child could file a complaint and be represented by its parents in most cases. When the interests of the child conflicted with those of its parents, the child could be represented by another member of the family or a lawyer. Children

could testify in court and their testimony was taken into account, but young people under 16 had to be accompanied by a parent or guardian. No provision expressly stated that a child of under 18 was regarded as a citizen but, as a signatory of the Convention, the Lao People's Democratic Republic had recognized that fact. In the Constitution, the rights of mothers and children were expressed in very general terms, but, in reality, the provision in question encompassed the best interests of the child within the family and society. In the past, in traditional Lao society, there had been a tendency not to recognize the rights of children and the Convention therefore constituted a new departure. An attempt was now being made to take account of children's opinions, and society was readier to listen to them.

The meeting rose at 1 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Sixteenth session

SUMMARY RECORD OF THE 401st MEETING

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Initial report of the Lao People's Democratic Republic (continued)

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GE.97-18291 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Lao People's Democratic Republic (CRC/C/8/Add.32, CRC/C/Q/LAO/1) (continued)

1. At the invitation of the Chairperson, Mr. Kietisack and Mrs. Vongsak (Lao People's Democratic Republic) resumed their places at the Committee table.

2. The CHAIRPERSON invited the members of the Lao delegation to reply to questions asked by the Committee at the preceding meeting.

3. Mr. KIETISACK (Lao People's Democratic Republic), providing clarifications on violations of children's rights, said that, at one time, children who made accusations against their parents or guardians had been regarded by society as being ungrateful; however, Lao attitudes had changed and it was felt that children should be accorded greater rights and that any violations thereof should be dealt with in the courts of law. That was especially true for cases of incest, or abuse or violence in the family environment. As a result, although beating was still widely recognized as an acceptable method of disciplining children, other more cruel practices had been more or less eliminated.

4. Contrary to the information provided earlier, the consent of children aged 10 and above was required for adoption.

5. Mr. KOLOSOV said that reference had been made to society tolerating a lower age of sexual consent given the tradition of early marriage in certain Lao regions. However, since article 120 of the Penal Code established 15 years as the age of sexual consent, an adult engaging in sexual intercourse with a person under that age must be held criminally responsible. Such practices should therefore not be tolerated by society, even where the children involved gave their consent. Clearly there was a need for greater awareness and understanding of such matters among the population sectors concerned.

6. Mrs. OUEDRAOGO, referring to questions she had raised at the preceding meeting, requested more information on the Decree of the Prime Minister's Office No. 52 relating to free medical treatment for children and students. She asked to what extent the Decree had been implemented and whether it was part of a special project. How was it funded, given the country's difficult economic situation?

7. She had already drawn attention to the different forms of discrimination prevailing in Lao society and the Lao delegation had responded by pointing out that all forms of discrimination were punishable by law. However, she wondered to what extent such penalties were applied. Perhaps it would be a good idea to raise public awareness on the subject with a view to changing attitudes and putting an end to all discriminatory practices.

8. Mrs. KARP, referring to the difficulties involved in dealing with ethnic traditions regarding early marriage, asked whether the Lao authorities had considered the possibility of using judges to decide whether conditions warranted early marriage, particularly since parents often had a vested interest in their children marrying at a young age.

9. The authors of the report were clearly aware of the existence of different forms of discrimination that were not listed in the Lao Constitution. Perhaps, since it was difficult to amend that instrument, suitable legislation might be introduced, based on article 2 of the Convention. She stressed, nonetheless, that the Convention also condemned de facto discrimination such as disparities in the provision of services between rural and urban areas and between the sexes. In that connection, she asked for more information on the "rural development programme", "cluster school systems" and "Basic Education Project" referred to in paragraphs 12 and 14 of the written replies. Was it likely that the objectives of those programmes could be achieved? Also, it appeared that Lao professionals preferred to work in the private sector where they were attracted by the high salaries, leaving the public services sorely lacking. What steps were being taken to reverse that trend?

10. On the subject of health and, more specifically, the right to life, she asked whether the possibility of using mobile clinics had been considered with a view to reducing the very high mortality rate. Was access to health services provided for in resettlement areas, where living conditions seemed to be very poor? The main thrust of the Convention was respect for the human rights and, in particular, the dignity of children, a factor which should be borne in mind when developing relevant policies and projects. How did the Lao Government intend to achieve that objective?

11. With regard to the right of association, she asked whether there were plans to introduce appropriate legislation enabling non-governmental organizations (NGOs) to play a more active role in Lao society. It was obviously difficult for any State party to fulfil its obligations under the Convention without the assistance of such organizations at grass-roots level.

12. Lastly, as of what age could children seek medical advice or treatment on personal matters without parental consent?

13. Mr. RABAH asked exactly what penalties were imposed on parents who abused their children. Also, was it actually possible for a child to sue his parents? The Lao delegation's earlier statement seemed to conflict with the information given on the minimum legal age for receiving legal counselling without parental consent.

14. He requested clarification on article 31 of the Family Law whereby divorced parents were entitled to change the name of their children. He would also welcome more information on adoption in general.

15. The CHAIRPERSON asked whether children under the age of 18 were in fact regarded as citizens under Lao law and guaranteed the fundamental rights and freedoms listed in the Lao Constitution.

16. Mr. KIETISACK (Lao People's Democratic Republic), replying to questions raised so far, said that, in accordance with article 120 of the Penal Code, adults who had sexual intercourse with children under 15 were liable to penalties. The Lao Family Law established 18 as the age of sexual consent. However, since among certain ethnic groups marriage was traditionally contracted as of 12, an average of 15 was accepted, but not encouraged as the age of sexual freedom. Further study was required to draft appropriate legislation.

17. There were a number of conditions attached to early marriage. For instance, it must be voluntary on both sides; that was particularly important in certain ethnic communities where it was customary for parents to arrange marriages and children were not free to marry without a parental blessing. Furthermore, polygamy was not allowed.

18. Incest or sexual abuse by parents could result in prison sentences of one to five years. The consent of the natural parents and children over 10 was required for adoption. The Government was paying particular attention to the question of inter-country adoption and carrying out negotiations with neighbouring countries in order to prevent traffic in Lao children and abuses in adoption procedures. He reserved the right to provide clarifications on Lao citizenship and the relevant legislation in due course.

19. Changing the name or birth date of a child came within the competence of the Family Registration Bureau. A child could be given his father's or mother's name and, in the event of conflict, usually arising from the child failing to give his consent, the matter could be referred to a court of law.

20. Under Lao law, it was the responsibility not only of parents and guardians, but also of the social welfare services and the Ombudsman to protect the rights and interests of children.

21. There was no specific legislation which laid down a minimum age for children to receive medical assistance without parental consent. Nevertheless, he did not view it as a problem, for working parents were often too busy to take their children to the doctor and young children were well accustomed to going on their own. In the typically small Lao community, doctors were familiar figures who could be easily approached.

22. Mrs. VONGSAK (Lao People's Democratic Republic) explained that, under Decree No. 52, medical care was free for students and the indigent. Although Laos was a poor country, such care was financed from the State budget, the principle being that those in good health should pay health insurance and medicine for the poor should be financed from that source. Contributions were to be increased in order to improve health care.

23. Greater solidarity among ethnic groups was a priority concern of government policy. While everyone was equal in the eyes of the law, regardless of age, sex or ethnic origin, some discrimination did in fact exist, although it was not systematic.

24. The main purpose of the Government's development project was to promote social and economic development in rural and remote areas by founding schools

and setting up dispensaries and production facilities in an attempt to guarantee the food supply and solve other problems. Provision had been made in the budget for that high-priority project, which was intended to reduce disparities between urban and rural districts.

25. The survival of children had to be ensured by lowering the infant mortality rate. The chief focus was on preventive medicine and primary care, including vaccination, and on health education. Medical staff were on hand in dispensaries in rural areas, but not all villages had dispensaries.

26. As to the issue of local associations, her Government considered that the Women's Union should look after women's and children's rights and interests and help increase awareness of the benefits of vaccination and primary medical care. At the grass-roots level, the Youth Union was contributing to the education of young people. The Association of the Front for National Construction was doing an especially useful job among ethnic groups by instructing the younger generation. The activities of those organizations were therefore complementary to the Government's endeavours. It was thus plain that, if more NGOs were to operate locally, the Government's efforts would be more effective.

27. In new settlements where the head of the village was unfamiliar with the new environment, the focus was on setting up dispensaries, building schools and closely monitoring progress to ensure that new settlers did not suffer from disease.

28. Mr. KIETISACK (Lao People's Democratic Republic) said that Lao citizenship could be acquired at birth if both parents were Lao, chosen or adopted if one parent was Lao or regained if it had been previously renounced.

29. The Government had a very firm policy banning any sex discrimination and both the Constitution and criminal law contained provisions to combat such discrimination. In the elections in December, the proportion of women members of Parliament was to be raised to 20 per cent of the total. The Government pursued a clear policy of positive discrimination in favour of women at the representational level, since it considered that women were full members of society. Moreover, they made up the majority of the country's population.

30. There were large discrepancies between services in urban and rural areas. Strenuous efforts were being made to improve public health and legal education in rural areas. Electricity and water had to be supplied to the extremely underdeveloped, remote regions where the majority of the population lived. Help for those areas was therefore a prime aim of government policy.

31. The CHAIRPERSON, recognizing that great economic and social changes were under way in Laos, said that she was nevertheless concerned about the registration of births. Most countries held population censuses every 10 years. Did Laos follow that policy? How many children under 18 were there in that country?

32. The failure to register births had several implications. It not only made it impossible to determine the size of the population and adopt adequate social welfare policies, but it posed problems of identification. If a person

was not registered, he might be denied access to social services. It was therefore crucial to register children so that they could receive health care. The answer to question 19 of the list of issues indicated that there were no measures to guarantee immediate registration and no penalties for non-registration, yet experience had shown that the lack of penalties would make enforcement nonchalant or impossible. The Committee therefore recommended that the Lao Government should re-examine the issue and introduce measures to guarantee registration in all areas.

33. Mrs. KARP asked whether mobile registration stations could not be set up in remote areas to rectify the situation.

34. She understood that early marriage was conditional on the consent of all parties, but she wondered whether a girl of 12 or 14 could really go against her parents' wishes and whether it could be assumed that, if the parents were in agreement, the child was too. There should be some objective machinery for studying the matter of consent and protecting the child's best interests.

35. With regard to human rights in general and human dignity in particular, she pointed out that corporal punishment was not in conformity with the Convention. She had learned that corporal punishment was prohibited in Lao schools. That was commendable. Was it, however, still condoned in families and institutions? What was the position of the Lao Government? Did it regard "reasonable" or "light" corporal punishment as violence against the child? Should parents be taught alternative measures or was such punishment accepted as something traditional to be left to the parents' discretion? The Committee's position was that, even "light" corporal punishment was contrary to articles 19, 28, 37 and 40 of the Convention. The Lao Government's assertion in its report and written replies that the ill-treatment of children was prohibited still left the question of corporal punishment by parents open.

36. Mrs. OUEDRAOGO asked for assurances that children from ethnic minorities were registered and not discriminated against. Moreover, she welcomed the Government's answer to question 20 of the list of issues on the promotion of children's literature. Steps should be taken to extend those measures to rural areas. Was the concept of human rights taken into consideration in that regard? Children's literature could deal with some of the principles embodied in the Convention and was an excellent way of familiarizing children, and even adults, with the Convention.

37. In reply to question 21 of the list of issues, it had been stated that steps had been taken to regulate the dissemination of information. How did the Government detect fraud, especially in respect of the sale or dissemination of information or films which had been banned? Did controls or censorship exist for material intended for children? She welcomed the participation of young people in youth clubs and associations. How were they organized? Were young people free to express their opinions in those associations or did they have to follow the official government line? Did real freedom of expression exist in those organizations?

38. Mrs. PALME said research had shown that the education and health of the girl child was a precondition for the sustainable development of society. The education of girls, especially those belonging to ethnic minorities, was

vital. Early marriage jeopardized a girl's health, above all if it was followed by childbirth when the girl was still very young. Girls had to be given more information about reproductive health. Emphasis on birth spacing was not enough. As a result of the HIV/AIDS epidemic, boys and girls now had to be given sex education in school at an earlier age than in the past.

39. The CHAIRPERSON, referring to freedom of association, asked whether the Lao People's Revolutionary Youth Union was purely political. Did trade unions exist in Laos and were children entitled to join them? Children in Laos were traditionally represented by their parents or older relatives, but did that practice also apply to the Youth Union? How free were young people to express their own views, rather than those of their parents? It had been affirmed that youngsters over 16 or 18 years of age were encouraged, or allowed, to join certain groups. Did that extend to peer advocacy groups, so that persons of that age could help disadvantaged children in remote or rural areas gain a better understanding of their basic human rights?

40. Mrs. VONGSAK (Lao People's Democratic Republic) said that efforts were being made to send mobile teams or clinics to rural areas to care for the population, especially children. Medical staff were in attendance at dispensaries in those areas where they existed. They provided some health care, for example during pregnancy, as well as midwifery services.

41. Village heads registered newly born children and each family had a family book. No discrimination of any kind was allowed against children of any ethnic community.

42. Children had constitutionally guaranteed freedom to express their ideas in school and in mass organizations and could enter writing competitions. News and photographs with a negative message were a matter for the Ministry of Culture, which was likewise responsible for controlling imports of video films and prohibiting pornographic or erotic films in order to protect children from their harmful impact.

43. Health education was included in the national school curriculum and, as a result, primary schoolchildren were well informed about health and sex. Children were entitled to express their ideas and opinions. There was no limit to the exercise of their freedom of expression. Children could display their knowledge and give free rein to their imagination in what they wrote.

44. The disparities that existed between urban and rural areas did affect children. The aim of the rural development project was to combat such underdevelopment. Young people in towns had easier access to schools and better opportunities, but steps were being taken to improve the lot of rural children. The Women's Union, the Ministries of Health and Education and all sectors of society had a duty to contribute to the development of rural areas in order to provide the children living there with improved health and sex education.

45. As stated in the answer to question 22 of the list of issues, the Women's Union was not a political, but a mass organization. Young people aged over 15 were entitled to join the Youth Union and participate in its activities. All young people were encouraged to do so. They could likewise

join trade unions, irrespective of whether they were members of the Women's Union or the Youth Union, because trade unions looked after workers' interests. The Women's Union, membership of which was voluntary, brought together women of 16 and over and helped them to acquire education and play a useful role in society. The Youth Union was for young people, the Women's Union catered for women's interests and trade unions protected workers' rights. All those organizations were mass organizations and they all made a substantial contribution to the Government's public health-care programme. The Young Pioneers, an offshoot of the Youth Union, looked after teenagers and young women.

46. Mr. KIETISACK (Lao People's Democratic Republic), replying to the question on population figures, said that his delegation was not at present able to provide statistics for the population group under 18 years of age, but would be glad to supply them to the Committee at a later stage. Great importance was attached to the registration of births, and systematic records were kept: it could be that a few children had escaped registration, but such cases were exceptional. Failure to register a birth was punishable by law. The same requirements applied in the case of members of ethnic groups.

47. Efforts were made to discourage marriages between young people under 18 years of age, but he believed that more radical measures were needed to end the practice. The beating of children by parents was now considered a very outdated form of punishment and was in fact prohibited by law, although he admitted that unfortunately it did still occur.

48. His country regarded the Convention as an important tool for guaranteeing that the rights of the child were respected and would do all it could to ensure that it was implemented. Laos was still only at the beginning of the implementation process and was aware of its shortcomings, but was determined to persist in its efforts.

49. The CHAIRPERSON, thanking the Lao delegation for the replies it had given, invited the Committee to consider the section of the list of issues entitled "Family environment and alternative care" (paras. 25 to 30).

50. Mrs. OUEDRAGO noted that there appeared to be a contradiction in the Government's reply to question 27, which stated that it was guaranteed that children of divorced parents retained contact with both father and mother, but also that there were no measures to ensure that such contacts were maintained. It was vital that the best interests of the child should be taken into account and she did not believe that the grandparents alone would be able to ensure that the child's emotional needs were met.

51. The reply to question 29 stated that adoption of Lao children by foreigners was no longer authorized. Had any machinery been established to detect violations of the law in that respect and what action did the Government intend to take to prevent them, in view of the fact that it had not ratified the Hague Convention on Inter-Country Adoption?

52. With reference to question 30, she would like to know whether any machinery existed which would enable children to complain of ill-treatment. Such machinery was needed in order to give children who had suffered abuse the confidence to speak out, thus preventing lasting damage to their future development.

53. Mrs. KARP noted from the reply given by the Government to question 28 that no welfare system existed to provide for the maintenance of children in cases of desertion by the father. She pointed out that, under the Convention, a State party had an obligation to assist such children. Some countries had introduced a system whereby the State paid maintenance for the child and could also sue the father for failure to provide such maintenance; that system was an effective one, since the State had more power than the individual to take such action. Had Laos considered introducing such a system?

54. On the question of the placement of children in institutions, she asked whether there were any regulations to guarantee that the requirements of the Convention were met, notably with regard to a periodic review which would cover such issues as the need for the child to remain in the institution, the quality of the staff, whether the personal integrity of the child was guaranteed and whether machinery existed whereby the child could make complaints of abuse to an independent body.

55. Regarding the problem of abuse within the family, she understood that no research had been carried out which would indicate the extent of the phenomenon or its causes and that there were no statistics on the number of victims, on how the law was enforced, on what role was played by the police or on how complaints were dealt with. In addition, no rehabilitation programmes had been established. Laos was now beginning to realize that the problem existed and she would like to know how it planned to cope with it and in particular whether it would be adopting an interdisciplinary approach focusing not only on the prevention of the abuse, but also on the treatment of the victim.

56. Mrs. OUEDRAGO said that she would appreciate a reply to her earlier question on the responsibility of fathers within the home.

57. Mr. KIETISACK (Lao People's Democratic Republic), replying to the question on how the interests of the child were safeguarded in cases of conflict between parents and particularly in cases of divorce, said that usually the child would stay with the mother if she was considered responsible enough to guarantee the child's welfare and the father would automatically be given a right of access. In some cases, the court would make a specific order guaranteeing such right of access, but such cases were rare. Although divorces did occur in his country, access by a separated parent to a child was not regarded as a problem.

58. On the question of the responsibility of the father within the home, the Family Law clearly stated that both father and mother had a common duty to care for the child. While the closest bond was of course between the child and the mother, the father also had specific duties, particularly since, by tradition he bore the main responsibility for the care of his wife and family.

59. The law prohibiting the adoption of Lao children by foreigners was strictly enforced at the local and district levels and by the immigration authorities. His delegation had already replied to the question on how a child could complain of ill-treatment by parents: in his country, any problems or conflicts within the home could easily be made known, since Lao society was a very small and close-knit one in which everyone knew everyone

else, unlike the large urban societies of the West. As for mechanisms to guarantee the welfare of the child in case of divorce or abandonment by the parents, the duties of parents towards their children were clearly spelt out in the Family Law. Failure to fulfil those duties could result in action being brought against the family by the social welfare authorities, the Youth Union or the Women's Union, but such cases were uncommon. In practice, children abandoned for economic reasons would be looked after by neighbours in the same village or placed in the care of monks in the local temple.

60. The Government carefully monitored children's institutions to ensure the welfare of children in their care. In the case of ill-treatment, either the children themselves or the local community could sue the body responsible. There were many channels whereby such cases could be brought to the attention of the police or the local authorities, who could then, if necessary, initiate court proceedings.

61. No system to provide rehabilitation for children who had suffered ill-treatment had yet been established in his country, partly due to a lack of expertise in the field of child psychology. Nor was there yet any specific plan to prevent such problems from occurring, although Laos was still in the process of learning more about the issue and hoped to formulate such a plan in the future.

62. Mrs. KARP asked whether the problem of domestic violence was in the same category as the problem of child abuse in the sense that no research had been done, no statistics were available and no programmes or rehabilitation centres existed. The two problems should be tackled together, since they were closely related and could hardly be differentiated.

63. The CHAIRPERSON, speaking as a member of the Committee, noted that the Government's reply to question 25 of the list of issues indicated that problems concerning children born out of wedlock were rare, since traditionally they would be cared for by relatives. However, it was stated in paragraph 79 of the report that, under the Penal Code, failure to provide financial support to children was punishable by "public criticism". She would appreciate more information on that point and, in particular, on whether public criticism was the full extent of the punishment envisaged. Were children born out of wedlock stigmatized or discriminated against by society in general and what evidence was there that the births of such children were registered?

64. She was not entirely clear about the procedures governing adoption. Paragraph 88 of the report stated that applications for adoption had to be made to the village administrative authorities: she would like to know whether those authorities had the professional competence necessary to deal with such matters and whether the courts played any part in the proceedings. There did not appear to be any provision in the Family Law to guarantee that the best interests of the child were taken into account in adoption cases. In view of the fact that inter-country adoption was now prohibited, were there any proposals to revise the Family Law in order to bring it into line with the relevant provisions of the Convention?

65. In cases where children had been separated from their parents following a court decision, was there any possibility of the family being reunited once the parents had indicated that they had understood the negative effects of their behaviour? In the absence of social services, was there a body that could alert the court to the changed situation?

66. Mr. KIETISACK (Lao People's Democratic Republic) said that domestic violence was not widespread in his country, although no statistics were available since no systematic records were kept. In the past, social attitudes towards children born out of wedlock had been negative, but today there was no discrimination. Parents found guilty of ill-treating their children would simply be summoned to court and publicly reprimanded. That was because, under Lao criminal law, such ill-treatment was regarded as a misdemeanour. The procedures governing adoption were fairly simple: the local authorities at the village level would receive the application, which they would then forward to the district level for registration. The child's consent to the adoption would be required if he was over 10 years of age. The procedure was a purely administrative one and the courts had no competence in the matter. As yet, no specific measures had been taken to revise the procedure to bring it into line with the Convention.

67. Although there were no legal provisions to that effect, it was in fact possible for children to be reunited with parents found guilty of violence or other offences towards them, provided that the parents gave a public undertaking to reform their behaviour. Normally, the local authority at the village level would decide in such cases.

68. Mrs. KARP pointed out that the Convention required that, where adoption was concerned, the best interests of the child should be the paramount consideration; it also required States parties to ensure that the adoption of a child was authorized only by the competent authorities. After hearing the replies given, she was concerned that there was no procedure to guarantee that, even if the parents agreed to give their child for adoption, its best interests would be taken into account.

69. Mrs. OUEDRAOGO asked what measures had been taken to deal with cases of adopted children who were failing to flourish in their adopted families. Were there any legal provisions governing the adoption of children for financial gain, a practice which she understood was on the increase in developing countries? What steps were being taken by the Government to prevent the exploitation of children by their own families?

70. Mr. RABAH, noting that, under article 31 of the Lao Constitution all citizens enjoyed freedom of expression and association, asked for further information on the way in which children in particular were enabled to express their views. With regard to the worldwide problem in which children of a broken marriage between partners of different nationalities were kidnapped by one parent and taken from the country of residence of the other, he wondered what action Laos took in such cases to ensure the best interests of the child were secured. Were any agreements, as recommended in article 11, paragraph 2, of the Convention, in force between Laos and other countries?

71. Mrs. PALME said it was clear that Laos was doing its best to combat somewhat high rates of infant and maternal mortality and promote child survival. How were those efforts being affected by emerging problems like the advent of the AIDS pandemic? Although achievements such as overcoming iodine deficiency and providing sanitation and safe drinking water were to be applauded, much remained to be done to combat the very high level of malnutrition prevailing in the country, especially in remote rural areas. Malnutrition was not only a threat to child safety in itself, but it increased the risk of other diseases. She hoped that Laos would continue its partnership with UNICEF and other international agencies in the fight against malnutrition and that support for that effort would continue to be forthcoming from the international community.

72. The CHAIRPERSON said that, while efforts were being made to tackle high infant mortality and morbidity, shortcomings in health-care delivery still appeared to exist, especially in combating malnutrition, where appropriate government policies to address the issue appeared to be lacking. The report had provided information on the health of infants and young children, but had made no reference to the health care provided for teenagers. Did Laos collect any statistics relating specifically to teenage health? What was the incidence of teenage pregnancies in the country and how were the authorities tackling the problem? If sex education programmes were provided in schools, did they adequately address the problem of preventing teenage pregnancy?

73. Since the report had merely given the number of cases of HIV/AIDS, she asked for more information on the situation relating to the disease in Laos, which was surrounded by countries with a high incidence of AIDS. Were any preventive programmes in place? Was any health education on AIDS provided in schools or to the general public?

74. Noting that the report referred to an average family size of six, she asked what family planning services were provided in Laos and whether any education was provided on family planning matters.

75. Mrs. KARP asked whether abortion was permitted in the case of teenage pregnancy and whether facilities were available for such abortion. Since Laos had as yet few cases of HIV/AIDS, it had the opportunity to make advance plans for encouraging appropriate action and the development of appropriate attitudes. She asked what happened, for example, to children who were carriers of HIV/AIDS or exposed to the disease. Were such children allowed to continue to attend school? Could they seek testing for the disease on their own initiative? What measures existed for the treatment of children found to have HIV/AIDS?

76. In view of the fact that drug abuse, which also affected children, appeared to be a problem, she asked what drug rehabilitation programmes existed for children and whether there were any staff trained in the rehabilitation of children who abused drugs. Were there adequate facilities to offer treatment to every child seeking rehabilitation?

77. Mr. KOLOSOV said that international cooperation to overcome health-care problems was a prime necessity. He asked whether Laos was satisfied with the cooperation it was already receiving in that area from WHO and UNICEF, since

it appeared that it had not been possible to implement the national plan of action for lack of resources. However, in addition to direct action on matters affecting the health of children, it was very important to build up a body of statistical data relating to all aspects of children's health care. Was enough assistance being received from WHO and UNICEF in that vital area?

78. The CHAIRPERSON said that economic development appeared to have brought with it an increase in road traffic and an attendant rise in the number of accidents, in particular accidents involving teenagers on mopeds. She asked whether any road safety campaign targeted at children or even the general public was in place to promote safer driving practices.

79. Mrs. KARP, referring to the tendency of health professionals to move to private practice, asked whether any steps, such as offering incentives, were being taken to encourage such staff to remain in the public sector.

80. She asked whether any research was being carried out into the impact on child mortality of accidents in the home, the street or the playground and whether any plans had been made to try to prevent such accidents.

81. Mrs. VONGSAK (Lao People's Democratic Republic) said that, although Laos had many health problems to cope with, particularly in rural areas, it had had some successes, such as in the iodization of salt and the provision of greater access to safe drinking water and good sanitation, which had been achieved as a result of international cooperation and assistance from WHO, UNICEF and other agencies and bilateral cooperation from friendly countries. The problems continuing to face the country, malnutrition in particular, would gradually be overcome through the continuation of such cooperation.

82. Laos was making efforts to introduce sex education into schools. In addition, the Women's Union had been asked to launch education campaigns on the subject aimed at children, especially those at the senior secondary school level.

83. The country's birth spacing programme was working well; mothers were very glad to be able to space pregnancies, a form of family planning that helped them improve their situations, decide how many children they wished to have and devote more time to the children they did have. Information on the subject was provided to couples immediately upon marriage. International cooperation in the field was very helpful.

84. Decisions on abortion in cases where there were already a large number of children in a family or where there was too short an interval between pregnancies were submitted to the National Commission for Mothers and Children, but required the joint consent of wife and husband as well as a favourable medical opinion. There was no restriction or prohibition on seeking abortion, which was considered a right.

85. The level of HIV/AIDS in the country was low, as 176 persons had tested HIV positive and only 38 of whom had full-blown AIDS. In only two cases was the infected person under 18 years of age. Laos was about to launch an extensive campaign, channelled through the media, women's unions and youth organizations, to provide general information about HIV/AIDS and help prevent

the spread of the disease. Since there had as yet been no case of HIV/AIDS among schoolchildren, no information could yet be given on the status of such children. The two cases under 18 were not at school and were able to go for blood tests on their own initiative. Most persons did not voluntarily come forward for HIV testing, however; if they came for medical examinations, it was usually because another disease was present. Where the necessary blood testing was unavailable, mobile teams had been organized for the purpose.

86. Work was under way with the National Commission on Drugs on the best way to provide for rehabilitation of drug abusers. The very little drug abuse found among children in the country was dealt with by educational means. Health professionals were sent abroad for training in how to deal with cases of drug abuse.

87. Many international organizations and non-governmental organizations were helping Laos overcome its public health problems. Areas in which such support was particularly active were immunization and birth spacing. The country was endeavouring to meet the target of eradication of poliomyelitis by the year 2000 and was happy with the international support it was receiving to that end. Continuing support for such programmes was of course needed and would be welcomed from the international community and friendly countries.

88. Mr. KIETISACK (Lao People's Democratic Republic) said that the law enforcement authorities and the public prosecutor's offices were involved at the local level in the control and monitoring of adoption cases. Children could not be withdrawn from adoption once the procedure had been completed without a court ruling on the matter. Adoption in return for payment of a sum of money or other transaction did exist, but its extent was not clear. Traditional adoption practices, even though often in the best interests of the child, sometimes involved the exchange of large sums of money, but efforts were being made to dissuade people from the practice. Any abuse in that area was subject to penalties under criminal law. The economic exploitation of children was another difficult issue, as specific instances were often difficult to detect. Sometimes the employment of a child formed part of the educational process preparing him for adult life.

89. Freedom of expression and association was guaranteed by the Constitution to all, whether child or adult. Children could express their views on social and other issues at school or through youth organizations. Children's writings and poems were published and also broadcast on radio and television. In addition, children were interviewed on radio and television programmes, where they had an opportunity to state their opinions.

90. The kidnapping of a Lao child and its removal from the country by a parent not of Lao nationality would not necessarily, in view of the difficult economic situation in the country, be regarded as a criminal offence if the intent was to give the child a better life. However, his country had as yet no agreements on illicit transfers of children in place with other countries. The only field in which international legal agreements were in preparation was extradition.

91. Abortion was in general considered a criminal offence, but was permitted in strictly defined cases. The number of road accidents had soared in the past two years, particularly in the cities. They were generally caused by ignorance of traffic regulations or by drunk driving. A very high proportion of young people were among the victims of such accidents. Efforts were being made to educate the public, both children and adults, on all aspects of road safety through radio, television and other media.

92. Efforts were also being made to slow the drain of specialists from the country and the public sector by persuading people of their patriotic duty to support their country at a difficult time. It was recognized that, despite the limited resources available, there was a need gradually to increase the current very low income of public servants. The recent financial turbulence in the region was, however, increasing difficulties in that respect.

93. The CHAIRPERSON, welcoming the efforts the country was making on behalf of disabled children, said it was surprising that the Ministry of Education appeared not to be included among the ministries involved in the recently established National Committee for Disability. Had the Government any plans to expand educational training for the disabled as a whole?

The meeting rose at 6.05 p.m.